

September 29, 2011

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Via Overnight Delivery

Community Services Department of the City of Westfield
130 Penn Street
Westfield, IN 46074

Re: Epiphany Evangelical Lutheran Church Westfield, IN
Petition to Change Zoning

Ladies and Gentlemen:

On behalf of Epiphany Evangelical Lutheran Church Westfield, IN ("Epiphany"), I have enclosed a Petition to Change Zoning, together with a \$1,000 application fee. Epiphany would like to begin the process for amending the Centennial North Planned Unit Development Amendment Ordinance commencing with the Common Council meeting tentatively scheduled for Tuesday, October 10, 2011. If you should have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,



Kirk E. Grable

DATE: September 29, 2011

PETITION TO CHANGE ZONING

Plan Commission Docket No.: _____

Name of Applicant: Epiphany Evangelical Lutheran Church Westfield, IN
Address: 1948 State Road 32
Westfield, IN 46074
Phone No.: (317) 989-0403

Name of Representative: Tom Engle and Kirk Grable
Address: Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204-3535
Phone No.: (317) 231-7499 and (317) 231-7781

Name of Property Owner*: BCE Associates III, LLC

Premises Affected: A parcel located on the northeast corner of Ditch Road and 156th Street

Metes and Bounds Description: See attached.

Plot Size: approximately 118.193 acres

Fronting On: 156th Street, 161st Street and Ditch Road

Nature and Size of Improvement Now Existing on Plot: None

Present Zoning: PUD Ordinance No. 09-03 (Centennial North - Amendment)

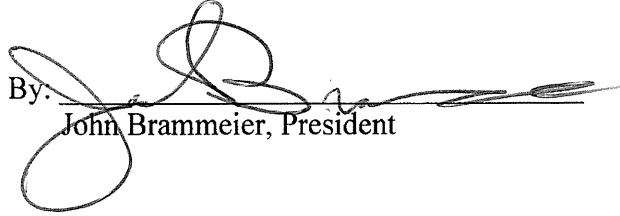
Requested Zoning: PUD Amendment (see attached)

The above information, to my knowledge and belief, is true and correct:

[The remainder of this page is intentionally left blank.]

WITNESS MY HAND this 26th day of September, 2011.

EPIPHANY EVANGELICAL LUTHERAN
CHURCH WESTFIELD, IN

By: 
John Brammeier, President

State of Indiana)
) SS:
County of Marion)

Subscribed and Sworn to before me, a Notary Public in and for said County and State, this 26th day of September, 2011.




Notary Public

*If the petitioner is not the property owner, a letter of consent from the property owner must accompany this document

[Signature page to Petition to Change Zoning.]

**CITY OF WESTFIELD ZONING PETITION
PROPERTY OWNER CONSENT FORM**

The undersigned, **BCE Associates III, LLC**, being the owner of the property generally located east of North Ditch Road between West 156th Street and West 161st Street, and more commonly known as the **Centennial North Planned Unit Development**, hereby authorizes **Epiphany Evangelical Lutheran Church Westfield, IN** to file all necessary petitions for an amendment to the Centennial North Planned Unit Development and Concept Plan with the City of Westfield, Hamilton County, Indiana and/or any other relevant government entity to allow for a church use.

BCE ASSOCIATES III, LLC

By: Eleanor F. Bookwalter

Printed: Eleanor F. Bookwalter

Title: Manager

Date: September 27, 2011

Emily M. Despot
SIGNATURE OF NOTARY PUBLIC

State of Indiana, County of Boone, SS:

Subscribed and Sworn before me this 27 day of September, 2011.

Printed Name of Notary Public Emily M. Despot

My Commission Expires June 30, 2018.



EXHIBIT A

LAND DESCRIPTION

A part of the Southwest Quarter of Section 10, Township 18 North, Range 3 East of the 2nd Principal Meridian, Hamilton County, Indiana more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 10; thence North 00 degrees 21 minutes 58 seconds West (bearings based upon a survey by The Schneider Corporation dated May 18, 2004, project number 4481.002) along the west line of said Southwest Quarter a distance of 1312.55 feet to the northwest corner of the Southwest Quarter of said Southwest Quarter Section; thence North 88 degrees 51 minutes 08 seconds East along the north line of said Southwest Quarter-Quarter Section a distance of 1309.51 feet to the southwest corner of the Northeast Quarter of said Southwest Quarter Section; thence North 00 degrees 26 minutes 20 seconds West along the west line of said Northeast Quarter-Quarter Section a distance of 1310.74 feet to the northwest corner thereof; thence North 88 degrees 55 minutes 49 seconds East along the north line of said Northeast Quarter-Quarter Section a distance of 1307.83 feet to the northeast corner of the aforesaid Southwest Quarter Section; thence South 00 degrees 30 minutes 42 seconds East along the east line of said Southwest Quarter Section a distance of 2617.88 feet to the southeast corner of said Southwest Quarter Section; thence South 88 degrees 46 minutes 27 seconds West along the south line of said Southwest Quarter Section a distance of 2622.40 feet to the Point of Beginning, containing 118.20 acres, more or less.

CITY OF WESTFIELD, INDIANA

ORDINANCE NO. 11-__

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD
AMENDING ORDINANCE NO. 09-03 (THE CENTENNIAL NORTH PLANNED UNIT
DEVELOPMENT AMENDMENT)**

WHEREAS, the Common Council of the City of Westfield (the "Common Council") adopted Ordinance No. 09-03 (the Centennial North Planned Unit Development Amendment) (the "PUD Ordinance") on January 15, 2009; and

WHEREAS, this Ordinance amends the PUD Ordinance pursuant to Indiana Code 36-7-4-1500 Series Planned Unit Development; and

WHEREAS, BCE Associates III, LLC (the "Seller") owns the approximately 118.193 acres more or less, as legally described on Exhibit A attached hereto (the "PUD Ordinance Parcel"), which is subject to the PUD Ordinance and is located in the City of Westfield, Hamilton County, Indiana; and

WHEREAS, Epiphany Evangelical Lutheran Church Westfield, IN (the "Buyer"), has entered into a purchase agreement with the Seller to acquire a portion of the PUD Ordinance Parcel for a church, but the PUD Ordinance does not permit a church use for the PUD Ordinance Parcel; and

WHEREAS, the Buyer has filed a Petition to Change Zoning for the purpose of amending the PUD Ordinance to provide that a church is a permitted use within the PUD Ordinance Parcel; and

WHEREAS, the Advisory Plan Commission of the City of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the amendment to the PUD Ordinance; and

WHEREAS, the Commission has sent to the Common Council its recommendation, adopted _____, 2011, to approve the amendment to the PUD Ordinance, as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, as follows:

Section 1. Amendment of PUD Ordinance. The PUD Ordinance is hereby amended, as follows:

(a) The second sentence of Section 3. Reclassification of Zoning shall be revised to read as follows: "Permitted uses shall be restricted to churches and single family

detached dwellings and their typical accessory uses (e.g. amenity center, playgrounds, etc.) as detailed in the table below.”

(b) Revise Section 5. Development Standards to read as follows: “The applicable development standards for Area A and Area B are specified in what is attached hereto and incorporated herein by reference as Exhibit C; provided, however, the maximum building height for a church facility shall be sixty-five (65) feet and provided, further, church steeples or spires shall be exempt from the maximum building height limitation.”

(c) Revise Section 6. Architectural Standards to read as follows: “The applicable architectural standards for Area A and Area B are specified in what is attached hereto and incorporated herein by reference as Exhibit A and Exhibit B, respectively; provided, however, such architectural standards shall not be applicable to a church facility.

(d) The provisions of subsection C of Section 8. Landscaping Standards shall not be applicable to a church facility.

(e) Revise Section 9. Signage Standards to read as follows: “The Real Estate shall be permitted a maximum of 64 square feet of sign area on one or more monument signs per entrance. The monument sign(s) shall not exceed nine (9) feet in height. Notwithstanding the foregoing, a church facility shall be permitted to have such signage as permitted by WC 16.08.010 Sign Standards.

(f) The provisions of Section 10. Conceptual Land Plan and Development of Real Estate shall not be applicable to a church facility.

Section 2. Effectiveness. This Ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Westfield, Indiana, on this ____ day of _____, 2011.

COMMON COUNCIL OF THE CITY OF WESTFIELD

Aye

Nay

_____	Tom Smith	_____
_____	John Dippel	_____
_____	Steve Hoover	_____
_____	Robert L. Horkay	_____
_____	Kenneth Kingshill	_____
_____	Bob Smith	_____
_____	Robert Stokes	_____

APPROVED and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this _____ day of _____, 2011.

J. Andrew Cook, Mayor
City of Westfield, Indiana

ATTEST:

Cindy Gossard, Clerk-Treasurer
City of Westfield, Indiana

EXHIBIT A

LEGAL DESCRIPTION OF PUD ORDINANCE PARCEL

EXHIBIT A

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